



DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
WASHINGTON, D.C. 20590

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DEPARTMENT OF TRANSPORTATION  
Research and Special Programs  
Administration

49 CFR Parts 107 and 175

[Docket No. HM-166-E; Amdt. Nos. 107-7,  
175-14]

Shipment of Hazardous Materials by  
Air; Miscellaneous Amendments

**AGENCY:** Materials Transportation  
Bureau (MTB), Research and Special  
Programs Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** The purpose of these  
amendments to the Department's  
Hazardous Materials Regulations is to  
incorporate the Federal Aviation

Administration's (FAA) change in the  
hazardous materials function from the  
various District Offices to the Office of  
Civil Aviation Security. This action is  
being taken to reflect the organizational  
changes of the hazardous materials  
function within the FAA.

**EFFECTIVE DATE:** July 1, 1980.

**FOR FURTHER INFORMATION CONTACT:**  
Darrell L. Raines, Office of Hazardous  
Materials Regulation, Materials  
Transportation Bureau, Research and  
Special Programs Administration,  
Washington, DC 20590, Phone 202-472-  
2726.

**SUPPLEMENTARY INFORMATION:** The  
Federal Aviation Administration's  
hazardous materials function is now  
assigned to the Office of Civil Aviation  
Security. Required training of security  
field personnel will be completed on or  
before July 1, 1980 in order to transfer  
the field hazardous materials function.

Since these amendments do not  
impose additional requirements, public  
notice has not been provided and this  
amendment is effective on July 1, 1980.  
The MTB has determined that the  
environmental and economic impact  
associated with these amendments is  
minimal.

In consideration of the foregoing, 49  
CFR Parts 107 and 175 are amended as  
follows:

PART 107—HAZARDOUS MATERIALS  
PROGRAM PROCEDURES

Appendix A [Amended]

1. In Part 107, Appendix A, the  
introductory text and the first two  
paragraphs are revised to read:

Appendix A

LIST OF DEPARTMENT OF  
TRANSPORTATION OFFICIAL  
THROUGH WHOM APPLICATION  
FOR EXEMPTIONS SEEKING  
PRIORITY TREATMENT ON THE  
BASIS OF EXISTING EMERGENCIES  
MAY BE INITIATED BY TELEPHONE.  
CERTIFICATE HOLDING AIRCRAFT  
OPERATORS

The Federal Aviation Administration Civil  
Aviation Security Office which serves the  
place where the flight(s) will originate or  
which is responsible for the operators overall  
aviation security program.

NONCERTIFICATE HOLDING AIRCRAFT  
OPERATORS (OPERATORS OPERATING  
UNDER FAR PART 91)

The Federal Aviation Administration Civil  
Aviation Security Office which serves the  
place where the flight(s) will originate. The  
nearest Civil Aviation Security Office may be  
located by calling the FAA Duty Officer. Day  
or Night, 202-426-3333.

Appendix B [Amended]

2. In Part 107, paragraphs 5, 7, and 8 of  
Appendix B are revised to read:

Appendix B

(5) If the aircraft is being operating by a  
holder of a certificate issued under Part 121  
or Part 135 of Title 14, CFR, operations must  
be conducted in accordance with conditions  
and limitations specified in the certificate  
holder's operations specifications or  
operations manual accepted by the FAA. If  
the aircraft is being operated under Part 91 of  
Title 14, CFR, operations must be conducted  
in accordance with an operations plan  
accepted and acknowledged in writing by the  
Civil Aviation Security Office responsible for  
the operator's overall aviation security  
program.

(7) The aircraft and the loading  
arrangement to be used must be approved for  
safe carriage of the particular materials  
concerned by the FAA Civil Aviation

Security Office responsible for the operator's  
overall aviation security program or the FAA  
Civil Aviation Security Office serving the  
place where the material is to be loaded.

(8) When Class A explosives are carried  
aboard a cargo aircraft under the provisions  
of Subchapter C, the aircraft operator shall  
take all possible action to insure that routes  
over heavily populated areas are avoided  
commensurate with considerations of flight  
safety. During the approach and landing  
phase, the aircraft operator shall request  
appropriate vectors when under radar control  
to avoid heavily populated areas.

PART 175—CARRIAGE BY AIRCRAFT

3. In § 175.10 paragraphs (a)(12)(ii)  
and (a)(12)(v) are revised to read:

§ 175.10 Exceptions.

- (a) \* \* \*
- (12) \* \* \*
- (i) \* \* \*

(ii) Each operator shall prepare and  
keep current a manual containing  
operational guidelines and handling  
procedures, for the use and guidance of  
flight, maintenance, and ground  
personnel concerned in the dispensing  
or expending of hazardous materials.  
The manual must be approved by the  
FAA Civil Aviation Security Office  
responsible for the operator's overall  
aviation security program or the FAA  
Civil Aviation Security Office in the  
region where the operator is located.  
Each operation must be conducted in  
accordance with the manual.

(v) When dynamite and blasting caps  
are carried for avalanche control flights,  
the explosives must be handled and, at  
all times, be under the control of the  
blaster who is licensed under a state or  
local authority identified in writing to  
the FAA Civil Aviation Security Office  
responsible for the operator's overall

aviation security program or the FAA  
Civil Aviation Security Office in the  
region where the operator is located.

4. In § 175.45 the introductory text of  
paragraph (a) is revised to read:

**§ 175.45 Reporting hazardous materials incidents.**

(a) Each operator who transports hazardous materials shall report to the nearest FAA Civil Aviation Security Office by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading or temporary storage) in which as a direct result of any hazardous materials:

5. In § 175.320 paragraphs (b)(5), and (b)(7) are revised to read:

**§ 175.320 Cargo-only aircraft; only means of transportation.**

(b) . . .

(5) If the aircraft is being operated by a holder of a certificate issued under 14 CFR Part 121, Part 127 or Part 135,

operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under 14 CFR Part 91, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the Civil Aviation Security Office serving the operator's location or the place where the material is to be loaded.

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA Civil Aviation Security Office responsible for the operator's overall aviation security program or the appropriate FAA Civil Aviation Security Office serving the place where the material is to be loaded.

(49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53 and App. A to Part 1.)

**Note.**—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the Docket.

Issued in Washington, D.C. on May 8, 1980.

L. D. Santman,

*Director, Materials Transportation Bureau.*

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